

EXHIBIT K

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

THE DOW CHEMICAL COMPANY,

Plaintiff,

Case Number 07-12012-BC

Honorable Thomas L. Ludington

v.

J. PEDRO REINHARD, and
ROMEO KREINBERG,

Defendants.

ORDER DENYING DEFENDANT REINHARD'S REQUEST FOR
ENLARGEMENT OF TIME

The plaintiff, the Dow Chemical Company, initiated this action on May 8, 2007 alleging, among other things, that the defendants, J. Pedro Reinhard and Romeo Kreinberg, breached fiduciary duties they owed to the company. On the same day, defendant Reinhard filed suit against Dow in the United States District Court for the Southern District of New York. He claims that Dow is liable to him for making false, malicious, and defamatory statements as well as breaching a compensation agreement. On May 29, 2007, Dow filed a motion in the New York action requesting that the matter be transferred to this Court. Presently before the Court is defendant Reinhard's request for an extension time in which to file a response to Dow's amended complaint pending the outcome of Dow's motion to transfer. Dow has filed a response in opposition.

Reinhard contends that he should be allowed to file a responsive pleading ten days after disposition of Dow's motion because "the requested relief would conserve the resources of the Court and the parties." Reinhard Mot. Extend Time at ¶ 13. Dow maintains that Reinhard will, regardless of the outcome of the motion to transfer, have to respond to the amended complaint in this case. In addition, Dow complains that Reinhard already has been afforded additional time to respond by way

of the parties' stipulations. Apparently dissatisfied with the dates to which he agreed, Reinhard seeks, in Dow's view, last minute relief.

The Court concludes that an extension of time is not warranted under the circumstances. Delaying this case for an uncertain period of time will not obviate the need for Reinhard to respond to the amended complaint. Further, he has had ample input in deciding when that the deadline ought to be. In a stipulation dated June 15, 2007, ultimately filed in this Court on June 18, 2007, Reinhard and Dow settled on a deadline of June 22, 2007. Reinhard additionally represents that he is presently responding to the allegations in Dow's counterclaims in the New York action and that the counterclaims mirror the relief requested in this case. In the Court's judgment, Reinhard's efforts should make easier responding to the amended complaint here. In fact, it appears to be a more efficient use of resources. Because Reinhard will have to respond at any rate, he negotiated the June 22, 2007 deadline, and his preparations in the New York case likely will make responding easier, the Court cannot discern a sufficient justification for delaying again the progression of this litigation.

Accordingly, it is **ORDERED** that defendant Reinhard's request for an enlargement of time [dkt # 14] is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: June 21, 2007

